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FREEDOM OF INFORMATION CENTER

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“Freedom of Information Center of Armenia” non-governmental organization (FOICA) was founded on June 1st, 2001 by a group of journalists and lawyers. The main mission of the FOICA is to protect citizens’ right to know.

FOICA’s Main Goals:

- Promote the formation of an open and transparent governance system and ensure civil society participation.
- Promote the implementation of the Armenian “Law about Freedom of Information”

FOICA Activities:

■ **Legal counseling and strategic litigation:**

The FOICA provides legal consultations to citizens, mass media outlets, NGOs, journalists and legal entities on the right of access to information, at the same time helping them appeal illegal denials to their information requests, including court appeals. In 2001-2010 the Center provided 6000 people with legal consultations and assistance. In 2006-2010 the FOICA brought 28 court cases with 75% positive outcome against those state governance and local self-government bodies who illegally denied information requests. As a result, FOICA has restored the violated rights of people.

■ **Education**

Organizing countrywide trainings for citizens and representatives of NGOs and mass media, as well as state officials, the center helps to improve their knowledge in the sphere of freedom of information. During 2003-2010 5000 people, including 2200 officials received skills and knowledge on the legislation on freedom of information.

■ **Public Campaigns**

Since 2001 the center runs a country-wide public education campaign aimed at raising public awareness on the access to information issues. Hundreds of TV shows, TV and Radio programs have been broadcast, articles have been published. The FOICA also publishes the “You have the right to know” Bulletin which is the only Armenian periodical specialized in freedom of information. Each issue of the bulletin contains a “black-list” of those officials who have violated the access right of citizens, journalists, NGOs and juridical persons.

■ **Legislative Reforms**

FOICA has played an active role in the elaboration and adoption of ARM law on “Freedom of information”. At present, the FOICA has initiated the drafting and adoption process of the second generation of the freedom of information legislation reforms. The reform package was developed together with the ARM Ministry of Justice, the ARM National Assembly and the civil society. Now the package is included in the agenda of the ARM National Assembly session.

- **E-Government Reforms**

The FOICA implements a number of activities aimed at establishing new electronic government mechanisms in the government system. They are also aimed at improving those mechanisms, ensuring their publicity, and directing them to the implementation of the access to information know.

- **Improvement of mechanisms for proactive publication of information by the central and local government bodies.**

In particular, FOICA has placed 210 information billboards in the most crowded places 45 targeted communities of Armenia to help local government administrations proactively publish information in a way to be widely available for the community people.

- **Monitoring of the FOI Legislation Implementation and the Publicity of the Government System**

In state governance and local self-government bodies the FOICA carries out a constant monitoring of the implementation practice of the FOI legislation. Every year “Freedom of Information Center of Armenia” sends over 1000 information requests to state governance and local self-government bodies, becoming one of the organizations that most actively use the ARM “Law on about Freedom of Information”.

During the year of 2010, “Freedom of Information Center of Armenia” NGO implemented two projects, by the financial support of the USAID/Armenia and the World Bank Yerevan Office.

1 Freedom of Information

By the assistance of the World Bank Yerevan office the FOICA implemented the “Freedom of Information” project, which was aimed at improving public transparency and accountability by fostering implementation of FOI legislation. The project duration was five months – from July 2010 till November 2010.

In the framework of the “Freedom of Information” project implemented by the support of the World Bank Yerevan Office the following activities were carried out:

- Two focus-group discussions were carried out with the participation of students and officials, in order to assess the needs of the freedom of information sphere.
- Two training video materials have been produced (one for state officials, about the effective implementation of their legal duties in the sphere of freedom of information, and the other was for students, about the purposeful use of the FOI legislation).
- A commentary book about the FOI legislation was elaborated and published.
- Publication of a poster “You have a right to know” for students.
- The FOI Annual Award Ceremony 2010 was organized.

2 Access to Information for Community Involvement

By the support of the USAID/Armenia “Freedom of Information Center of Armenia” is implementing the “Access to Information for Community Involvement” five-year project (2008-2013). The project is designed to promote transparency and openness of the government, as well as support the people’s involvement and participation in addressing public issues through promoting effective and efficient access to information.

Program’s Action Plan

- Establish a freedom of information non-formal educational center and conduct trainings for the state and community servants.
- Improve mechanisms for proactive publication of information by state and local self-government bodies.
- Initiate strategic court cases.
- Public campaigns for the public awareness of the right to know.

Besides the actions included in this program, during the year the FOICA also implemented the following actions:

- Consultations for citizens in order to raise their awareness of their right to know.
- Monitoring of the implementation practice of the FOI legislation.
- Other events.

1 Establishment of the Freedom of Information Non-Formal Educational Center and Trainings

In November 2010 “Freedom of Information Center of Armenia” established the FOI non-formal Educational Center for providing continuous trainings for public officials and civil servants. The established non-educational center will become a sustainable source for providing ongoing trainings for officials in the field of FOI. It is also hoped that, by involving the Government and local authorities in the promotion of FOI, the officials will gain better understanding of the advantages of transparency, in the context of possessing knowledgeable and skilled staff and officials, improved management systems, greater efficiency, reduced corruption and greater public trust.

Training courses in the “FOI Non-Formal Educational Center” have started since November 2010. On 25 November the first graduate civil servants were awarded with state graduation certificates for successfully completing the three-day courses. In total, in November-December, 2010 101 civil servants from ARM GOV State Revenue Committee, State Social Security Service, as well as from other target state government bodies participated in the trainings of the Center. The duration of each course is 3 days, during which participating officials are educated on the right to know, the implementation practice of the ARM “Law about Freedom of Information”, the electronic governance of information, as well as about subordination and interpersonal relations and ethics of officials.

The trainings are held in accordance to the program on “Ensuring the Principles of Totality, the Freedom of Information and Public Affairs in the Governance System” approved by the 28 October, 2010 N847 decision of the ARM State Civil Service. Trainings are organized together with the ARM Civil Service Commission and ARM Union of Civil Servants.

■ Trainings

In 2001-2010 throughout Armenia, the FOICA organized trainings on the implementation of Armenian legislation about freedom of information. The trainings were for representatives from state governance bodies, local self-government bodies, and from the civil society. They were intended to help participants improve their knowledge and skills in the sphere of freedom of information.

- By one course was held in each of the regions of Armavir and Lori, with the participation of 61 officials. As for the region of Kotayk, there were 4 courses, with the participation of 150 officials.

In 2010 the FOICA held training courses in Yerevan, and the regions (marz) of Armavir, Lori and Kotayk. 10 trainings were held in Yerevan. During these courses 114 civil society representatives and 309 officials were educated on freedom of information.

In order to promote the effective use of the “Mulberry” e-governance system, on 26-27 February, 2010 the FOICA organized a two-day working discussion with chiefs of staffs of all ARM regional administrations. Then the 4 March working discussion with heads of departments of public affairs of all ARM regional administrations followed. The purpose of these meetings was to foresee the problems that could arise in regional administrations when operating the “Mulberry” system, and to prevent these problems. The “Mulberry” e-governance system helps ensure means for online tracking of citizens’ applications to state governance bodies. It also allows receiving information directly from the official handling the application, as well as receiving the answer to the application online – without visiting the state body. During these working discussions they brought forward the matter of starting a reform process for the websites of regional administrations and ARM Ministry of Territorial Administration.

As another result of the working discussions, the FOICA held 10 trainings in Yerevan for 40 employees of all ARM regional administrations. The trainings were aimed at improving the skills and knowledge of regional administration employees and their knowledge on operating the “Mulberry” system.

Thus, in total 2010 the FOICA held 23 training sessions, thanks to which 410 officials and 114 civil society representatives – citizens, journalists, NGO representatives were educated on the right to know. In order to increase the efficiency of the freedom of information trainings, in 2010 the FOICA prepared two educational training materials – “Your Duty to Inform” and “My Right to be Informed”.

■ Production of training video materials

“**Your Duty to Inform**” material is designed for public officers. It presents what obligations officials have under FOI legislation to proactively provide the public with information, as well as to proceed the citizens’ requests on time and to provide full and complete information to the requests.

“**Your right to know**”. The second video material is designed for the students as one of the most active group of the society. It aimed at highlighting the main message for the students on the right of access to information. In a clear language and illustrative way it explains on how the students may use the FOI law provisions for getting access to government held information, where to go if a refusal was received and/or access is denied. Most importantly, how this right should be used to fulfill their other rights.

2 Improving the Mechanisms for Proactive Publication of Information by State and Local Bodies

■ Information Billboards

In 2010 in 8 Armenian communities – 4 villages (Kuchak, Balahovit, Jrashen and Aparan) and 4 cities (Artashat, Eghvard, Spitak and Aparan) – “Freedom of Information Center of Armenia” placed 40 information billboards, due to which the local self-government bodies should disseminate the information they possess. These information billboards are flexible, inexpensive and effective means for local self-government bodies to make available the information, which is subject to mandatory publication.

Billboards are consisted in 2 sections: permanent and changeable. The permanent section contains information on the main provisions of the FOI Law, on how community people may get information from administration, why information is important for them, how they can use the obtained information to improve their lives. Written FOI request forms are also posted to be used by applicants.

The unfixed section contains the necessary information, such as draft community budget, estimated community budgets and budget reports, all decisions of the governors and councils of elders, information on the council of elders meetings (place, time, agenda). Both sections are to be updated on a regular basis.

In the framework of this process, a memorandum was signed between the FOICA President and the heads of 8 communities. By this memorandum the mayors took the obligation to periodically (at least once a month) update the information on the billboards, as well as ensure community awareness of the billboards. The mayors must use the billboards on exclusively public purposes, it is to say, advertisements must be strictly excluded from the billboards.

In the last 3 years the FOICA placed 210 billboards in 45 communities.

■ Improving E-Governance Mechanisms

For this purpose during 2010 the FOICA took up the complex improvement process of the informational portals of the ARM Ministry of Territorial Administration and the 10 regional administrations of Armenia. The Center initiated the development of a web for Internet portals, which will provide the public with compound and complete information about the activities of regional administrations and the Ministry of Territorial Administration. It will also ensure the accessibility and transparency of important and necessary information (community budgets and budget implementation reports, financial donations, regional governors' decisions, as well as the 13 information categories defined by the “Law on Freedom of Information”).

A written agreement was signed between the ARM Ministry of Territorial Administration and the FOICA about the complex improvement of the web portals of the Ministry and the 10 regional admin-

istrations. For project implementation, the Ministry developed and introduced to the FOICA the technical reference for the development of the new websites.

The FOICA is also supporting the ARM Government to effectively use the “Mulberry” electronic documentation sharing system in the governance system. For this reason, trainings and workshops were held for chiefs of staffs and employees of departments of public affairs of the ARM regional administrations (see details in the “Education” section).

3 Strategic Litigation

FOI court cases positively affect the state of freedom of information, preventing violations. The “Freedom of Information Center of Armenia” takes court proceedings about freedom of information against those officials, who violate citizens’ right to know, do not reply to inquiries, or provide incomplete information. Due to this process a court precedent practice on freedom of information is gradually formed.

In 2010 six court cases initiated by the FOICA ended, as well as one important precedential case – FOICA’s claim to the Constitutional Court. The abovementioned 6 court cases are: FOICA and “Aravot” daily vs. Lori regional administration, FOICA and “Aravot” daily vs. Shiruak regional administration, FOICA vs. the village municipality of Parakar, FOICA vs. “National Center of Technical Security” state non-commercial organization, FOICA vs. “N.2 Medical Center” CJSC, and FOICA vs. the Armenian Labor Socialist Party.

Since 2003 the FOICA has been carrying out the mission of court protection of the right to know. Until today the FOICA has initiated 34 court cases on violations of the right to know, out of which 32 were completely finished, and only two cases are still in process.

FOICA and “Aravot” Daily vs. Lori Regional Administration

On 19 August, 2009 journalist Aram Zakaryan, who is responsible for the “Regions and the Diaspora” page in “Aravot” daily, sent an inquiry to regional governor of Lori Aram Kocharyan by lori@mta.gov.am e-mail address, with the following content:

“Dear Mr. Kocharyan,

As is known, since 2005, besides for maintenance expenses, the ARM regional administrations have been receiving money from the ARM state budget under the line “Other Subsidy from Budget”. In 2005, 2006 and 2007 each regional administration received AMD 10 million, each, and in 2008 and 2009 – AMD 20 million, each. So, please answer the following questions:

1. How was that money spent each year?
2. Please, specify how many decisions were made each year and how much was spent by each decision?”

However, the inquiry was left unanswered. So, Aram Zakaryan turned to “Freedom of Information Center of Armenia”, asking for help to reestablish his right to know in court. On 25 May, the ARM Administrative Court published the verdict for the court case FOICA and “Aravot” daily vs. Lori regional administration. The court dismissed the case because one day before the verdict Lori regional administration provided “Aravot” daily with all requested information. The court also found, that not responding to the electronic inquiry on the non-official e-mail address of Lori regional administration cannot be considered illegal.

FOICA and “Aravot” daily appealed Administrative Court’s verdict in the Court of Cassation. However, by 21 July 2010 decision the civil and administrative chamber of the Court of Cassation dismissed cassation appeal of FOICA and “Aravot” daily. The ARM Court of Cassation found that no forensic mistake was made, and that a presence of a violation of the material and judicial right, which could affect the outcome of the case was not grounded.

FOICA and “Aravot” Daily vs. Shirak Regional Administration

On 19 August, 2009 journalist Aram Zakaryan, who is responsible for the “Regions and the Diaspora” page in “Aravot” daily, sent an inquiry to regional governor of Shirak Lida Nanyan by marzpetaran@shirak.region.am e-mail address, with the following content:

“Dear Mrs. Nanyan,

As is known, since 2005, besides for maintenance expenses, the ARM regional administrations have been receiving money from the ARM state budget under the line “Other Subsidy from Budget”. In 2005, 2006 and 2007 each regional administration received AMD 10 million, each, and in 2008 and 2009 – AMD 20 million, each.

So, please answer the following questions:

1. How was that money spent each year?
2. Please, specify how many decisions were made each year and how much was spent by each decision?”

However, the inquiry was left unanswered. So, Aram Zakaryan turned to “Freedom of Information Center of Armenia”, asking for help to reestablish his right to know in court. On 01 December 2009 FOICA, together with “Aravot” daily, took a cognitive and action case to the ARM Administrative Court with the claims to recognize the inaction of Shirak regional governor illegal, and make her provide the requested information and pay administrative sanctions.

The Regional administration assured that they had not received any inquiry, because of some technical problems. The regional administrations expressed readiness to provide the information, so the sides came to an agreement. On 01 June 2010 the ARM Administrative Court (Gyumri branch) published the verdict for the court case FOICA and “Aravot” daily vs. Shirak regional administration. The FOICA and “Aravot” daily decided to make peace with Shirak regional administration.

FOICA vs. the village municipality of Parakar

In December 2008 dwellers of Parakar community Seda Ghazaryan and Armen Nersisyan turned to the FOICA, with the complain that the mayor is not giving them some information.

On 12 December the FOICA sent an inquiry to the mayor of Parakar where it had included the questions of the villagers that were left unanswered. The questions were:

1. Is the 250-260 square meters land near the road on the left bank of the main stream passing by #1 building on Mekenagortsner str. of the village of Parakar included in the list of limitations defined by article 60 of the ARM Land Code?
2. If yes, please inform the bases and reasons.
3. If no, please inform about it.

The answer received from the mayor on 10 January 2009 was incomplete. Hence, the FOICA took a court case in order to receive a complete and final answer from the community leader. On 30 July the court case FOICA vs. the village municipality of Parakar and the Mayor was heard in the ARM Administrative Court (judge: A. Tsaturyan).

On 13 August the ARM Administrative Court made a verdict to dismiss the FOICA's claim against the village municipality of Parakar, taking into consideration the fact that the ARM Government had not yet approved the relevant program, which was to include the information regarding the land that interested the FOICA. On 15 September 2009, the verdict of the ARM Administrative Court was appealed by cassation on the bases of material and forensic violations. The ARM Court of Cassation completely upheld FOICA's claim and sent the case for a new hearing. On 31 May 2010 the Administrative Court, hearing the same case for a second time, finally upheld it.

The court decided to recognize illegal the actions of the village municipality of Parakar in the ARM region of Armavir in answering the FOICA's inquiry incompletely, and obliged the municipality to answer the FOICA's inquiry. The village municipality of Parakar appealed the verdict in the ARM Court of Cassation. On 18 August 2010 the ARM Court of Cassation decided to return the appeal of the village municipality of Parakar and confirm the verdict of the ARM Administrative Court in favor of the "Freedom of Information Center of Armenia".

FOICA vs. "National Center of Technical Security" state non-commercial organization

On 17 September, 2009 the "Freedom of Information Center of Armenia" sent an inquiry to the director of "National Center of Technical Security" state non-commercial organization Ashot Petrosyan, with the request for the following information:

1. How many private companies conducting expert examination are registered in the SNCO's Register by August 1 2009? By whose name are those companies registered? Please indicate the names of the companies, which received a license.
2. Please, provide the SNCO staff lists for the years of 2008 and 2009, as well as the list showing the amount of employees' salaries for the same period.

The state non-commercial organization denied the inquiry, suggesting that the FOICA apply for the requested information to the press service of the Ministry of Emergency Situations. With this letter, in fact, no answer was given to the FOICA's inquiry. On September 29, 2009, FOICA made an administrative court claim against "National Center of Technical Security" SNCO to make them provide information and pay administrative sanctions.

On 29 January, 2010 the court verdict was published for the court case FOICA vs. “National Center of Technical Security” SNCO. The court decided to fully uphold the claim, obliging “National Center of Technical Security” SNCO provide the requested information within five days. The latter provided the FOICA with all the requested information.

FOICA vs. “N.2 Medical Center” CJSC

On June 10, 2009, the “Freedom of Information Center” NGO sent an information request to the “N.2 Medical Center” CJSC for the following information:

1. The order of providing medicine to children under 7 years old at the children’s polyclinic of “N.2 Medical Center”.
2. A copy of the present list of the medicine provided free of charge.
3. Is there any other way for children under seven to receive free medicine, if the necessary medicine is not included in abovementioned list?
4. Also, please, provide an option for parents, if the medicine necessary for their child is included in the list, however, the doctor refuses to provide it?

The information request of the FOICA remained unanswered. Thus, the FOICA filed a lawsuit in the Court of the General Competence of Center and Nork-Marash administrative districts asking to oblige the Medical Center to give the requested information and to imposing an administrative penalty (AMD 50.000) on the executive director of “N.2 Medical Center” CJSC Tigran Khachatryan.

On 27 April, 2010 the Court of the General Competence of Center and Nork-Marash administrative districts published the verdict for the court case FOICA vs. “N.2 Medical Center” CJSC. During the court proceedings that had started on 02 December, 2009, “N.2 Medical Center” CJSC provided the information requested by the FOICA. As for FOICA’s second claim to impose administrative sanctions on director of “N.2 Medical Center” CJSC Tigran Khachatryan, the court dismissed it.

FOICA vs. the Armenian Labor Socialist Party

On 21 April, 2009 the FOICA sent an information request to the president of Labor Socialist Party of Armenia Movses Shahverdyan asking him to provide the following information:

1. A copy of the 2008 financial report of Labor Socialist Party of Armenia.
2. Information about those charitable sources whose donations to Labor Socialist Party of Armenia valued more than the centuple of minimal salary, defined by the law.

However, the inquiry was left unanswered. Hence, on July 9, 2009 FOICA filed a lawsuit in the Court of the General Competence of Center and Nork-Marash administrative districts with the claim to oblige the party to provide information. For some months a court session was not appointed, because the court could not find out the exact address of the Party to send an appropriate summon. Finally the court found the address and sent an appropriate summon about the court session. However, the Party did not show up to the court. The court decided to hold the session in the absence of the respondent. On March 18, 2010, the Court of the General Competence of Center and Nork-Marash administrative districts of Yerevan (judge: Edik Avetisyan) fully upheld the FOICA’s claim against Labor Socialist Party of Armenia. However, Labor Socialist Party of Armenia failed to fulfill court’s verdict. Thus, on 29 July, 2010 the FOICA turned to the Judicial Acts Compulsory Enforcement Service to oblige the Labor Socialist Party of Armenia to comply with the court’s verdict. On January 25, 2011, through the Judicial Acts Compulsory Enforcement Service “Freedom of

Information Center of Armenia” finally received the complete answer to the inquiry sent on 21 April, 2009. As for the AMD4000 state duty fee, president of Labor Socialist Party of Armenia Movses Shahverdyan refused to pay, arguing that he does not have money.

■ **Precedential Court Cases**

Some of the court cases initiated by the FOICA were of precedential importance. Such was the case FOICA vs. the village municipality of Elpin, which ended in 2009. This was the case when for the first time, when the official violating the right to know – the mayor of Elpin - was imposed to an administrative sanction – AMD50.000.

In 2010 such a case was the FOICA's claim to the ARM Constitutional Court.

FOICA's claim to the ARM Constitutional Court

On September 9, 2009, the “Freedom of Information Center of Armenia” applied to the Constitutional Court with the claim to consider Articles 151 and 152 of the ARM Code of Administrative Procedures as contradictory with Articles 18 and 19 of the Constitution and to announce them invalid. The problem is that article 151 stipulates without exception that “Cases on imposing administrative sanctions can be filed based on claims from agencies and officials having an authority to prepare reports on administrative violations per law”, and it thus does not provide an opportunity to file a case about imposing administrative penalties against officials, having made violations stated in Article 223 of the Code of Administrative Violations, including officials having made violation defined in Article 189.7, based on a claim from the victim. As for article 152 of the Code of Administrative Procedures, it was also claimed to be considered as contradictory with Articles 18 and 19 of the ARM Constitution and be announced invalid because in the list of requirements for filing a claim about administrative sanctions it includes a condition to provide information about preparing a report on administrative violations listed in article 223, and particularly those stipulated in article 189.7 for all violations without exception, and to attach the report to the claim.

On 05 February, 2010 the Constitutional Court heard FOICA's claim to recognize articles 151 and 152 of the ARM Code of Administrative Procedures anti-constitutional. And on the same day Constitutional Court announced its decision. The Court decided that articles 151 and 152 of the ARM Code of Administrative Procedures do not contradict the Constitution. Constitutional Court stated that the problem is in the legislative gap of the sphere. It was necessary for competent bodies, it is to say, the ARM National Assembly take appropriate actions to reform the ARM Code of Administrative Offence and fill the gap of the institute imposing administrative sanctions.

In the end Chair of the ARM Constitutional Court Gagik Harutyunyan thanked the FOICA for touching upon such an important issue.

This initiative of the “Freedom of Information Center of Armenia” was not left without consequence. The Standing Committee on State and Legal Affairs of the National Assembly of the Republic of Armenia developed a reform package which also anticipates removing the requirement of a report about administrative violations from ARM Code of Administrative Procedures.

4 Public Campaign

Since 2001 “Freedom of Information Center of Armenia” has carried out a wide public campaign with the goal to inform the public of freedom of information problems. In 2010 a number of actions were taken for this purpose.

■ FOI Annual Award Ceremony 2010

Since 2003 after the adoption of the Armenian FOI law the FOI Center jointly with its partner NGOs, has initiated an FOI Annual Award Ceremony through which the public and open work of state bodies is encouraged, meanwhile criticizing close and secret activities.

In 2010 the FOI Award Ceremony was the 8th one.

- positive award – “Golden Keys” were given to mayor’s office of Goris (mayor: Nelson Voskanyan), as the most publicly acting body of 2010;
- to the e-governance website of the ARM Government www.e-gov.am, as the best Internet website of 2010 for giving information;
- to “We are the Owners of this City” civil initiative, as the NGO which best implemented its right to know in 2010;
- to journalist Aram Zakaryan (“Aravot” daily), as the journalist who most actively covered issues of freedom of information in 2010;
- to “Freedom of Speech” TV program (H2 TV channel), as the TV program that most actively covered issues of freedom of information in 2010;
- to Hakob Tovmasyan, as the citizen who best used his right to know in 2010.

The negative award of the Award Ceremony is the “Rusty Lock”, which symbolizes secrecy and bad work. In 2010 this award was given to the mayor’s office of Stepanavan (mayor Sargis Gharakeshishyan), as the body that worst fulfilled the demands of the ARM “Law about Freedom of Information” in 2010.

The awardees are selected by an independent jury, which consists of representatives from local and international organizations, journalists, and experts of the sphere. The jury members sum up the results of the monitoring conducted by themselves and the FOICA. It also discusses the quarterly “Black List” of the Center, which includes the officials and departments that have violated the right to know. The criteria for each nomination are posted on the official website of the “Freedom of Information Center of Armenia”: <http://www.foi.am/am/content/206/>.

■ Publications

During the year, the FOICA published a number of articles, studies, and analyses about freedom of information. The majority of them were also posted on the official website of the Organization in Armenian and in English languages, which are available on the FOICA’s official website: www.foi.am.

FOI Legal Regulation in the Republic of Armenia: Commentaries

In 2010 the “Freedom of Information Center of Armenia” initiated the publication of the commentary of the ARM Law on Freedom of Information. The book consists of two parts. The first section is an analysis of the FOI sphere: the implementation practice of the “Law on Freedom of Information”, the forensic practice on freedom of information, as well as the problems and achievements of the sphere. As for the second section of the book, it is a thorough interpretation of the ARM “Law about Freedom of Information”, according to articles. The book was published in 600 copies.

You Have a Right to Know

In 2010 the Center published 4 issues. The bulletin is Armenia’s only specialized periodical about the issues of freedom of information. It has been published quarterly since 2001 and includes analyses and articles on FOI, as well as interesting information about state governance and local self-government bodies and about officials. For example, it may include information about property and revenue declarations of officials, decisions of regional governors, annual budgets of regional administrations, communities, different administrative districts of Yerevan, ministries, etc.

"Freedom of press: the right to know" photo collection

In July 2010, “Freedom of Information Center of Armenia” published a collection of photographs about freedom of press and information. The collection includes all 30 photos that participated in the one week photo-exhibition organized by the FOICA on 03 May, 2010, as well as the speeches of ambassador of the USA to Armenia Mary Yovanovich, OSCE Ambassador Sergey Kapinos, UN Resident Coordinator in Armenia Dafina Gercheva and President of “Freedom of Information Center of Armenia” Shushan Doydoyan, during the opening ceremony of the exhibition.

FOI Court Cases 2007-2010

In April 2010, a collection of court cases about freedom of information was published. This is the second similar collection published by the FOICA. It includes brief descriptions of the 18 court cases initiated by the FOICA in the sphere of freedom of information, together with all the documents of the court cases – inquiries, application, court verdict, etc. The collection also includes a full analysis of the forensic precedent of freedom of information – statistics, comparative analysis of court cases initiated in different years, issues of the forensic practice of freedom of information and the progresses.

“You have a Right to Know“ posters

In order to promote the right to know amongst the youth, especially students, and to inform students about this right, FOICA prepared and in 400 copies published “You have a Right to Know” posters. The illustration on the posters was selected from the 300 photos that in 2010 were introduced for the photo-exhibition organized by the FOICA under the heading “Freedom of the Press, the Right to Know”. The posters were disseminated in state and private higher educational institutions of Yerevan. They were also posted on the billboards placed in ARM regions by the FOICA.

■ TV Programs

“You’re Informed” TV program is devoted to the human right to know. The program talks about how people can receive necessary information according to the ARM Legislation, where and how to apply, what to do when their inquiry is denied, etc. And most importantly, it tells about how people can implement their other rights (consumer rights, labor rights, right to education, social protection rights, healthcare rights, etc.) through the right to know. The duration of each program is 30 minutes. The programs were aired every Saturday on “Yerkir Media” TV channel. In January-April, 2010 all 12 planned programs were aired on the following topics:

- Right to Education
- Labor Rights
- Protection of Consumer Rights
- Right to Live in a Clean Environment
- Participation in the Country’s Governance
- Free Medical Service for Children
- To Future Mothers: Right to Live Healthy
- Accessibility of Court Documents
- Right to Receive an ARM Passport
- Right to Vote
- Children’s Rights
- Right to Know Day

5 Consultations for Citizens

In 2010 “Freedom of Information Center of Armenia” continued providing citizen with consultations about their right to know. In 2010 the Center consulted 350 citizens. This activity of the Organization comprises three directions:

- Consultations about the opportunities and the order of receiving information from state governance and local self-government bodies, as well as from other information holders.
- Practical assistance to citizens in forming their information requests. In cases when citizens’ inquiries were left unanswered or the answer was incomplete, the FOICA, on its behalf, sent an inquiry with the same content to that specific information owner and acquired the needed information for the citizens.
- Preparing court claims and court representation. “Freedom of Information Center of Armenia” is after all inquiries sent by its own initiative or for citizens and left unanswered, incomplete, or irrelevantly answered. The FOICA tries to receive the requested information by an additional inquiry or verbal clarification. In cases, when the FOICA does not success in receiving information in this way, the FOICA files a court claim in order to receive the requested information, as well as impose administrative sanctions on the official violating the right to know.

Consultations were done through the Internet, by phone, and through citizens’ visits to FOICA office.

It should also be stated that in some cases “Freedom of Information Center of Armenia” did consultations for ARM citizens living abroad, acquiring the information they needed from state bodies.

6 Monitoring of the Implementation of the FOI Legislation and the Publicity of the Government System

FOICA realized the monitoring of the implementation of the FOI legislation and the publicity of the government system in two methods – by sending information requests to various departments and by direct monitoring of official websites.

■ Information requests

FOICA sends over 1000 requests per year to state governance and local self-government bodies, becoming one of the organizations most actively using the ARM Law on Freedom of Information.

In order to assess the real state of freedom of information in state governance and local self-government bodies, and in order to make state bodies work openly and transparently, as well as to receive necessary information for citizens “Freedom of Information Center of Armenia”, a in previous year, in 2010 continued sending written information requests to different bodies.

Throughout 2010 the FOICA sent 1050 written information requests to different bodies. The inquiries were sent to administrative districts of Yerevan and to Yerevan City Hall, Ministries, Regional Administrations, regional communities, higher educational institutions, state non-commercial organizations, State Committee of Real Estate Cadastre, state registry agency of the RA Court of Justice, etc.

It is worth mentioning that part of the abovementioned inquiries were sent on the request of citizens who had turned to the FOICA, in order to acquire information for them.

These inquiries not only allow receiving necessary information from state bodies, but also forming an opinion about the state of freedom of information in that specific body. And the analysis of the time periods required for the bodies to respond the inquiries, the completeness of the answers, and the analysis of the process of acquiring answers to the inquiries allows controlling the overall state of freedom of information, its problems and progresses.

■ Analysis of Official Websites

In 2010 “Freedom of Information Center of Armenia” analyzed the relevance of the website of a number of state governance bodies to the Law on Freedom of Information, trying to find out what proportion of the information owned by that department is published on their website. While analyzing the websites the FOICA took into consideration, the fact whether the information subject to mandatory publication according to the FOI Law was present on the website of that body. The FOICA also considers, whether it publishes the contact information of the person responsible for giving information, does the website comprise a subsection on freedom of information, an appropriate form for receiving information, as well as an opportunity to send electronic inquiries, whether the body provide electronic information, or not. The shortcomings discovered in the result of the analyses were presented to the corresponding department, with a suggestion to abolish them.

So, in September, 2010 the FOICA carried out an analysis of the website of the ARM Prosecutor General’s Office. During the analysis some shortcomings about freedom of information were revealed. This analysis had its positive outcome – two days after publishing the analysis corresponding employees of the Prosecutor General’s Office filled the gap, conforming the website to the demands of the Law on Freedom of Information.

In 2010 the FOICA analyzed the e-governance website of the ARM Government, as well. As a result, during the FOI Annual Award Ceremony organized by the FOICA the e-governance website of the ARM Government (www.e-gov.am) received a positive award – “Golden Key” – as the best official website of 2010 for providing information.

Also, an analysis of the website of the Ministry of Education and Science was conducted. Responding to the FOICA analyses the Ministry informed that a new website is being made for the Ministry, which will be more saturated with information, and where the shortcomings discovered by the FOICA will indeed be abolished.

The FOICA conducted such a research for the ARM Ministry of Justice, as well. It is worth mentioning, that in this case the initiator of the analysis was the Ministry itself, which needed to reveal the shortcomings of the website of the Ministry regarding freedom of information and transparency, and wanted to receive relevant suggestions for improving the website. In this case, too, the Ministry took the suggestions made by the FOICA into consideration.

In 2010 “Freedom of Information Center of Armenia” analyzed the website of the State Registry of Legal Entities of the Ministry of Justice. The analysis showed that the website of the State Registry Agency of Legal Entities did not work. It only comprised the photo and biography of the Chief of the State Registry of Legal Entities of the Ministry of Justice, as well as it was mentioned that the website would not operate for an unknown period. As a result of the FOICA interference Chief of the State Registry of Legal Entities of the Ministry of Justice Armen Gevorgyan assured that the website of the website of the State Registry Agency would soon be active.

7 Events

■ Photo-Exhibition Devoted to the World Press Freedom Day

In 2010 UNESCO devoted the World Press Freedom Day – May 3 – to freedom of information. For that reason “Freedom of Information Center of Armenia”, together with the USAID, OSCE Yerevan Office and UN Department of Public Information, organized a photo-exhibition under the heading “Freedom of Press, the Right to Know”.

About 300 works were presented, and the jury chose 30 unique photos out of them. The aim of this exhibition was to illustrate the challenges and opportunities of freedom of speech and information, and remind governments, representatives of mass media outlets, and the public of their role in implementing this right. The opening of the ceremony was on 03 May, 2010, where of ambassador of the USA to Armenia Mary Yovanovich, OSCE Ambassador Sergey Kapinos, UN Resident Coordinator in Armenia Dafina Gercheva, ARM Prosecutor General, ARM Minister of Education and Science, Armenian journalists and representatives of state structures and the civil society were also present. The exhibition lasted for one week, and after it was over the photos were published in the special catalogue devoted to the World Press Freedom Day.

■ Working Discussions

On 04 March, 2010 the FOICA, together with **“Public Relations and Information Center“ SNCO of the ARM President’s Administration**, organized a working discussion in the topic “Ensuring Publicity in State Governance System” for heads of departments of Information and public Affairs of the ARM regional administrations and the press secretaries of regional governors. During the meeting the “Single Information Platform”, developed by “Public Relations and Information Center” SNCO of the ARM President’s Administration, was introduced. Here all ministries and government adjunct bodies, and Central Bank are comprised. All regional administrations were also intended to be included. The aim of the meeting was to introduce the “Unified Information Platform” to the participants, explain them the work with the platform, working tools and opportunities. The Platform ensures everyday connection between departments of public affairs and press secretaries of all state bodies, in order to exchange and ensure information. The Platform has a number of sections, some of which are open to all registered individuals, and the rest are available only to administrators.

As a result, the heads of departments of Information and public Affairs of the ARM regional administrations and the press secretaries of regional governors are already using the “Unified Information Platform” in their work.

“Freedoms of Information and Expression in the system of ARM Prosecutor’s Office“: In order to increase the public activeness and strengthen the public-state relations, “Freedom of Information Center of Armenia” organized a working discussion on 23-24 October, 2010, in the topic “Freedoms of Information and Expression in the system of ARM Prosecutor’s Office”. Here representatives from Prosecutor General’s Office and journalists were present. The working discussion was intended to improve the journalist-prosecutor dialogue, give an opportunity to clarify the peculiarities of the work of the Prosecutor’s Office as a law enforcement body, in the sphere of providing information and working with journalists. During this meeting violations of the right to know and the implementation practice of this right were discussed. Particularly, the following topics were discussed: freedom of

information and expression and human reputation, protection of honor and dignity, freedom of information and cutting corruption risks, protection of human constitutional rights, as well as insult, slander, right to answer, right to deny. Journalists from Yerevan and regional mass media, and representatives from Prosecutor General's, as well as regional prosecutor's offices took part in the working discussion.

- **Next important achievement** of 2010 was realized by the joint efforts of “Freedom of Information Center of Armenia and the ARM Government. The story is as follows: during the FOI Annual Award Ceremony 2010 Chief of Staff of the ARM Government Davit Sargsyan stated that by the order of ARM Prime Minister Tigran Sargsyan contracts signed with state non-commercial organizations and budget expenses are published on www.gov.am official website of the Government. One of such SNCOs – “Yerevan Urban Development and Investment Programs Department” SNCO – had received the negative “Close Lock” nomination during the FOI Annual Award Ceremony 2009, for not providing information about the contracts signed by the SNCO and its budget expenses. Afterwards, a “Transparent Governance” section was created in the ARM Government website, where the abovementioned information is now being published on permanent bases. This initiative was further developed – the www.e-gov.am official website was launched with the goal to meet the abovementioned informational needs and to electronically publish budget expenses.

Financial Turnover 2010

| Expenses | Staff Salary | Honoraria | Programatic expences | Administrative expences | State Taxes | Total Representative |
|-----------|--------------|--------------|----------------------|-------------------------|--------------|----------------------|
| TOTAL USD | 24,412 | 21,569 | 49,663 | 28,685 | 15,452 | 138,936 |
| TOTAL AMD | 9,000,193.94 | 7,951,889.45 | 18,309,349.88 | 10,575,179.77 | 5,815,800.00 | 51,652,413.04 |

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